

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, May 13, 2009 - 9 a.m. – Room 119
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Members Present

Tom Thornberry, *Chairman*
Audrey Seay, *Vice-Chair*
Ed Hittson, *Secretary*
Bob Stout
Bill Truex

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Jane Starr, *Recorder*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the May 13, 2009 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chairman Thornberry led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by *Audrey Seay* and seconded by *Bob Stout* to approve the minutes of the April 8, 2009 meeting of the Board of Zoning Appeals as written. Motion carried unanimously.

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the May 13, 2009 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. *Nicole Dozier, Zoning Official, Derek Rooney, Asst. Co. Attorney, and Chair Thornberry* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on April 28, 2009: VAR-09-08, and SE-09-09

Petition #VAR-09-08

Guadalupe Guido-Tirado is requesting a variance to reduce the required rear yard setback along a waterway from 20' to zero feet for a wood deck in the Mobile Home Subdivision (MHS) zoning district. The property address is 150 Via Madonna, Englewood, Florida and is described as Lot 2 of Block F of Mobile Gardens First Addition, located in Section 09, Township 41 South, Range 20 East. The property contains +/- 7,500 square feet. A complete legal description and additional information are on file.

Ken Quillen read the staff report dated May 4, 2009 and presented general information and staff findings for the petition.

Applicant Presentation

Guadalupe Guido-Tirado was present but does not speak much English, so his son Lupe Guido Jr. spoke for him. He said the deck was built according to a blueprint and they were told this would be fine. They presented two pictures of neighboring decks taken by them. He said they asked the neighbors if they would mind this deck in the yard, and none of the neighbors were against the deck.

Chairman Thornberry opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Each Board member made a comment and said they felt bad to see this deck removed, but it is against the code and rules and they all felt the Variance should be denied.

ACTION: ***A motion was presented by Bob Stout and seconded by Audrey Seay that Petition VAR-09-08 be DENIED based on the Growth Management Staff Report dated May 4, 2009, the evidence***

and testimony presented at the hearing and finding that the applicant HAS NOT MET the required criteria (specifically criteria #s 1, 2, 4, 5, 6 and 7) for the granting of the variance.

Motion carried unanimously.

Petition #SE-09-09

Anh N Du is requesting a special exception for a Home Occupation, to allow a Nails Service, or Nail Salon, in a Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is 20250 Midway Boulevard, Port Charlotte, Florida and is described as Lot 25, Port Charlotte Subdivision Subsection 18, located in Section 16, Township 40 South, Range 22 East. The property contains +/- 14,000 square feet. A complete legal description and additional information are on file.

Ken Quillen read the staff report dated May 4, 2009 and presented general information and staff findings for the petition.

Applicant Presentation

Anh N Du said she has a nail salon on U.S. 41, but because of the economy, business is slow, the rent has gone up, and the insurance is higher. She would like to move into this house and have the nail salon in the garage.

Chairman Thornberry opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Mrs. Seay asked Ms. Du if she owned the home. She does not, but the owner of the home lives with her and he will be an employee there also working on nails. The owner, Hung Luong, was present.

ACTION: A motion was presented by Audrey Seay, and seconded by Ed Hittson, that Petition #SE-09-09 be APPROVED based on the Growth Management Staff Report dated May 4, 2009, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception, with the following conditions:

- 1. The special exception shall allow a home occupation, consisting of a nail salon, as an accessory use to the existing single-family residence.***
- 2. The applicant must provide at least three paved off-street parking spaces prior to operation of this home occupation.***

3. *This special exception, allowing a home occupation, shall be conducted according to all of the standards and conditions of Section 3-9-79 of the Zoning Ordinance.*
4. *Any major modification or change in the type of home occupation conducted shall require a modification to the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.*

Motion carried unanimously.

IX. Public Comments - None

X. Staff Comments - None

XI. Member Comments

Thomas Thornberry said the paperless packets were inevitable. The County shifted the expense to him.

Audrey Seay asked if staff would show her a few things on the computer regarding the packets, before they leave today.

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, June 10, 2009, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:55 a.m.

Respectfully submitted,

Diane Clim, Recorder

/dlc



Tom Thornberry, Chair/Board of Zoning Appeals

Approval Date: June 10, 2009